



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

September 10, 2014

Inda E. Stagg
Walsh, Colucci, Lubeley and Walsh, P.C.
2200 Clarendon Boulevard, Suite 1300
Arlington, VA 22201

RE: Special Exception Amendment Application SEA 79-S-031-03

Dear Ms. Stagg:

At a regular meeting of the Board of Supervisors on September 9, 2014, the Board approved Special Exception Amendment Application SEA 79-S-031-03 in the name of McDonald's Corporation. The subject property is located at 9528 Old Keene Mill Road, on approximately 12.45 acres of land zoned C-6 in the Springfield District [Tax Map 88-1 ((1)) 14C]. The Board's action amends Special Exception Application SE 79-S-031 previously approved for a fast food restaurant with drive-through to permit building additions and associated modifications to site design and development conditions, pursuant to Section 4-604 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions which supersede all previous development conditions. Previously approved conditions or those with minor modifications are marked with an asterisk (*).

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.*
2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Amendment Plat approved with the application, as qualified by these development conditions. The conditions of the Special Exception Amendment shall only apply to the building, parking spaces and other related facilities associated with the fast food restaurant and drive-through window. Modifications to other uses or portions of the site which do not require a special exception may be permitted as applicable without amending this Special Exception Amendment.*
3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception Amendment shall be in substantial conformance with the approved Special Exception Amendment Plat entitled "Alterations to McDonald's," consisting of six (6) sheets, prepared by CMS Associates, LLC, and dated June 24, 2014, and these conditions. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

Office of the Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903
Email: clerktothebos@fairfaxcounty.gov
<http://www.fairfaxcounty.gov/bosclerk>

4. A minimum of ten (10) stacking spaces shall be provided for the drive-through window as shown on the Special Exception Amendment Plat.*
5. Landscaping shall be provided in substantial conformance with the concepts shown on Sheet 3 as determined and approved by Urban Forest Management Division (UFMD). Any tree or shrub determined to impact existing utility easements or sight distances shall be replaced with an appropriately sized plant or relocated elsewhere on the site with a plant of equal size and quality, as determined by UFMD. Trash cans shall be placed to preclude conflicts with landscaping materials.
6. Understory evergreen and/or flowering shrubs and/or evergreen trees shall be maintained along the southern lot line as may be deemed appropriate and feasible by UFMD in order to improve screening of the parking lot area and soften headlight glare for the residences to the south. All supplemental landscaping shall be planted and maintained in accordance with Public Facilities Manual (PFM) standards.*
7. The ingress-egress easement for the existing travel lane near the southern lot line (recorded at DB 7906, Page 1787) shall continue to be maintained.
8. Seating capacity shall be limited to a maximum of one hundred twenty-two (122) seats.*
9. The building façade shall be generally consistent with the architectural elevations provided on the SEA Plat, in terms of color, building materials, and style.
10. The trash dumpster(s) shall be screened on all four sides. The screening enclosure(s) shall be consistent in terms of color and style with the restaurant building. Doors shall consist of materials which are opaque and fully screen the dumpster(s). Other accessory on-site storage structures shall be consistent in terms of color, building materials, and style with the restaurant building and shall not obstruct parking or pedestrian access.
11. The fast food restaurant and drive-through shall be allowed to operate 24 hours each day.
12. Signage shall be in conformance with Article 12 of the Zoning Ordinance.
13. The fast food restaurant owner/operator shall be responsible for the daily removal of litter. The lease area, as identified on Sheet 2 of the SEA Plat, and the generally surrounding area shall be policed by the applicant/operator for litter removal every mid-morning, mid-afternoon, and evening.
14. All lighting, including security lighting, signage lighting, and pedestrian or other incidental lighting, shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.

15. There shall be no advertising signage and/or promotional displays including banners, flags, inflated balloons, or figures displayed on the roof, the external sides of the building, lightpoles, windows, or anywhere else on the Special Exception Amendment site, as prohibited by Article 12 of the Zoning Ordinance.*

16. Parking spaces shall meet the geometric design standards in the PFM, as determined by DPWES, prior to issuance of a Non-RUP.

17. The applicant/operators shall not allow the discharge of air contaminants generated by the restaurant or their solid waste which cause objectionable odors within adjacent residential areas. The applicant/operators shall employ, but not be limited to, the following control measures:*

A. All "putrescible" material, as defined by the Fairfax County Code Section 109.1-1-2, shall be stored in sealed containers, which are reserved exclusively for use by the restaurant. Such putrescible material shall not be shredded or unsealed.*

B. All putrescible materials shall be removed by a commercial refuse hauler from the subject property a minimum of twice a week. Said trash removal shall be confined to the hours of 9:00am to 6:00pm.*

These standards shall be in addition to any other performance standards, regulations, ordinances, or restrictions provided by the law.*

18. The applicant/operators shall not allow any plumbing fixtures, drains, appurtenances, or appliances to discharge any substance other than stormwater onto Tax Map 88-1 ((1)) 14A. Roof drainage from mechanical systems shall be diverted into an approved on-site storm sewer system or containment system. The applicant shall institute measures to prevent the discharge or deposit of any drainage from occasional work onto Tax Map 88-1 ((1)) 14A.

These standards shall be in addition to any other performance standards, regulations, ordinances, or restrictions provided by the law.

19. Sound levels generated on-site shall be in conformance with Chapter 108 of The Fairfax County Code, as may be amended.

20. A copy of these development conditions shall be posted conspicuously in the restaurant near a public entrance.*

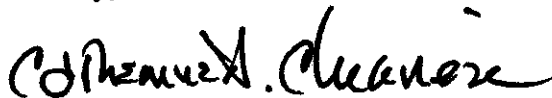
This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception Amendment shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception amendment shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception amendment. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

The Board also:

- Reaffirmed the modification to the transitional screening and waived the barrier requirements along the southern lot line in favor of the treatment shown on the Special Exception Amendment Plat and as conditioned.
- Reaffirmed the modification of the stacking space requirement to permit 10 spaces to fulfill the requirement.

Sincerely,



Catherine A. Chianese
Clerk to the Board of Supervisors

cc: Chairman Sharon Bulova
Supervisor Pat Herrity, Springfield District
Tim Shirocky, Acting Director, Real Estate Division, Dept. of Tax Administration
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Michael Davis, Section Chief, Transportation, Planning Division
Donald Stephens, Department of Transportation
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
Jill Cooper, Executive Director, Planning Commission
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation



COUNTY OF FAIRFAX
Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035 (703) 324-1290, TTY 711
www.fairfaxcounty.gov/dpz/zoning/applications

APPLICATION No: SEA 79-S-031-03
(Staff will assign)
RECEIVED
Department of Planning & Zoning

OCT 31 2013

APPLICATION FOR A SPECIAL EXCEPTION *Zoning Evaluation Division*

(PLEASE TYPE or PRINT IN BLACK INK)

| | |
|--|--|
| APPLICANT | NAME McDonald's Corporation |
| | MAILING ADDRESS c/o Walsh Colucci Lubeley Emrich and Walsh PC 2200 Clarendon Boulevard; Suite 1300 Arlington VA 22201 |
| | PHONE HOME () WORK (703) 528-4700 |
| | PHONE MOBILE () |
| PROPERTY INFORMATION | PROPERTY ADDRESS 9528 Old Keene Mill Road |
| | TAX MAP NO. 88-1 ((1)) 14C SIZE (ACRES/SQ FT) 12.45 Acres |
| | ZONING DISTRICT C-6 MAGISTERIAL DISTRICT Springfield |
| | PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION: N/A |
| SPECIAL EXCEPTION REQUEST INFORMATION | ZONING ORDINANCE SECTION 4-604 |
| | PROPOSED USE Fast Food Restaurant with Drive Through |
| AGENT/CONTACT INFORMATION | NAME M. Catharine Puskar (Agent) (For questions or correspondence contact Inda Stagg) |
| | MAILING ADDRESS c/o Walsh Colucci Lubeley Emrich and Walsh PC 2200 Clarendon Boulevard; Suite 1300 Arlington, VA 22201 istagg@arl.thelandlawyers.com |
| | PHONE HOME () WORK (703) 528-4700 x5423 |
| | PHONE MOBILE () |
| MAILING | Send all correspondence to (check one): <input type="checkbox"/> Applicant -or- <input checked="" type="checkbox"/> Agent/Contact |
| <p>The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.</p> <p>M. Catharine Puskar, Esquire</p> <p>TYPE/PRINT NAME OF APPLICANT/AGENT SIGNATURE OF APPLICANT/AGENT <i>M. Catharine Puskar</i> <i>MP</i> 4/24/14</p> | |

DO NOT WRITE IN THIS SPACE

Date Application accepted: January 24, 2014 Application Fee Paid: \$ 16,375.00 *Virginia Ruffner* SEA 2013-0317

SEA 79-S -031-03

Zoning Application Closeout Summary Report

Printed: 9/30/2014

General Information

APPLICANT: MCDONALD'S CORPORATION
DECISION DATE: 09/09/2014
CRD: NO
HEARING BODY: BOS
ACTION: APPROVE
STAFF COORDINATOR: JOE GORNEY
SUPERVISOR DISTRICT: SPRINGFIELD

DECISION SUMMARY:

ON SEPTEMBER 9, 2014, THE BOARD OF SUPERVISORS UNANIMOUSLY APPROVED SEA 79-S-031-03 ON A MOTION BY SUPERVISOR HERRITY SUBJECT TO DEVELOPMENT CONDITIONS DATED AUGUST 26, 2014.

APPLICATION DESCRIPTION:

AMEND SE 79-S-031 PREVIOUSLY APPROVED FOR FAST FOOD RESTAURANT TO PERMIT BUILDING ADDITIONS AND SITE MODIFICATIONS

Zoning Information

| Existing Zoning | | Proposed Zoning | | Approved Zoning | |
|-----------------|------|-----------------|------|-----------------|-------------|
| DISTRICT | AREA | DISTRICT | AREA | DISTRICT | AREA |
| | | | | C-6 | 12.45 ACRES |

Tax Map Numbers

0881 ((01)) () 0014 C

Approved Land Uses

Zoning District: C-6

| LAND USE | DU/S | RES LAND AREA | ADU/S | WDU/S | GFA | FAR | NRES LAND AREA | |
|---------------|------|---------------|-------|-------|---------------|-------------|----------------|--------------|
| FAST/FD/RE | | | | | 65,079 | 0.12 | 12.45 | ACRES |
| TOTALS | | | | | 65,079 | 0.12 | 12.45 | ACRES |

Approved Waivers/Modifications

MODIFY NUMBER STACKING SPACES
 WAIVE BARRIER REQUIREMENT
 MODIFY TRANSITIONAL SCREENING REQUIREMENT

9/30/2014

Approved Development Conditions

DEVELOPMENT CONDITION STATEMENT DATE: 08-26-2014

| <u>DEVELOPMENT CONDITION</u> | <u>DUE</u> | <u>TRIG #</u> | <u>TRIG EVENT</u> | <u>CONTRIB</u> | <u>EXPIR DTE</u> |
|---|------------|---------------|-------------------|----------------|------------------|
| MINOR MODIFICATIONS | 01-01-0001 | 0 | N/A | 0 | 01-01-0001 |
| LIGHTING/GLARE | 01-01-0001 | 0 | N/A | 0 | 01-01-0001 |
| OTHER - LAND USE | 01-01-0001 | 0 | N/A | 0 | 01-01-0001 |
| APPROVED FOR LOCATION/STRUCTURE/USES ETC ON PLATS | 01-01-0001 | 0 | N/A | 0 | 01-01-0001 |
| NUMBER OF SEATS | 01-01-0001 | 0 | N/A | 0 | 01-01-0001 |
| ARCHITECTURE BUILDING MATERIALS / COLORS | 01-01-0001 | 0 | N/A | 0 | 01-01-0001 |
| RESTORATION / REFORESTATION / REPLANTING | 01-01-0001 | 0 | N/A | 0 | 01-01-0001 |
| NON-RUP | 01-01-0001 | 0 | NON-RUP | 0 | 01-01-0001 |
| EXPIRES IN NUMBER MONTHS / YEARS UNLESS IMPLEMENTED | 01-01-0001 | 0 | DATE | 0 | 01-01-0001 |
| LITTER/DEBRIS REMOVED DAILY | 01-01-0001 | 0 | N/A | 0 | 01-01-0001 |
| HOURS OF OPERATION | 01-01-0001 | 0 | N/A | 0 | 01-01-0001 |
| EASEMENTS - LAND USE | 01-01-0001 | 0 | N/A | 0 | 01-01-0001 |
| OUTFALL (ADEQUATE ETC) | 01-01-0001 | 0 | N/A | 0 | 01-01-0001 |
| PARKING | 01-01-0001 | 0 | NON-RUP | 0 | 01-01-0001 |
| SIGNAGE | 01-01-0001 | 0 | N/A | 0 | 01-01-0001 |
| COPY SHALL BE POSTED | 01-01-0001 | 0 | N/A | 0 | 01-01-0001 |
| DUMPSTER SCREENING / LOCATION | 01-01-0001 | 0 | N/A | 0 | 01-01-0001 |
| OTHER - ENVIRONMENT | 01-01-0001 | 0 | N/A | 0 | 01-01-0001 |
| DRIVE THRU WINDOWS | 01-01-0001 | 0 | N/A | 0 | 01-01-0001 |
| SUBJECT TO SITE PLANS / SUBDIVISION PLATS | 01-01-0001 | 0 | N/A | 0 | 01-01-0001 |
| TRANSITIONAL SCREENING | 01-01-0001 | 0 | N/A | 0 | 01-01-0001 |
| AIR QUALITY | 01-01-0001 | 0 | N/A | 0 | 01-01-0001 |
| NOISE ATTENUATION (STUDY / WALL) | 01-01-0001 | 0 | N/A | 0 | 01-01-0001 |

9/30/2014